



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/701,205

11/04/2003

Patrick W. Turley

S697.12-0070

5175

164

7590

07/13/2005

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER

NGUYEN, JOHN QUOC

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,205

Applicant(s)

TURLEY ET AL.

Examiner

John Q. Nguyen

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8,9,15 and 16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-7,10,12-14,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/4/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3654

Applicant's election with traverse of species I, Figs. 1-5, claims 1-7, 10-14, 17-20, in the reply filed on 5/17/05 is acknowledged. The traversal is on the ground(s) that the Office action does not state any reason why the suggested species are patentably distinct or why the restriction is proper. This is not found persuasive because the above allegation shows that applicant has not analyzed the examiner's action in the context of the established practice for requiring an election of species as established in Chapter 800 of the Manual of Patent Examining Procedure. It is well established practice that a requirement to elect a single species is a holding by the examiner that the plural species as claimed are patentably distinct (capable of supporting separate patents). See MPEP Section 808.01(a). If applicant is of a different view, applicant need merely state on the record that the species are not patentably distinct, as was clearly stated in the restriction requirement. Neither the examiner nor the applicant needs to present any reasoning.

The requirement is still deemed proper and is therefore made FINAL.

Claims 8, 9, 15, 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/17/05.

The drawings are objected to because a lead line is not numbered in Fig. 9. Furthermore, at least reference numerals 55 and 57 are not shown. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to

Art Unit: 3654

avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lantsman (US-6027068) in view of Stroh (US-4898314).

Lantsman disclose an apparatus having substantially all the claimed features including a spool 34 in a housing for dispensing through an exit orifice provided by

Art Unit: 3654

guides 30/32, means including element 28 for advancing the strand. Lantsman does not disclose means for preventing tangling. Stroh discloses another similar apparatus in which means 26 are provided for preventing tangling. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of Lantsman with a means 26 as taught by Stroh to prevent movement of the spool and therefore tangling of the strands.

Claims 2-7, 12-14, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lantsman in view of Stroh as applied to claims 1 and 10 above, and further in view of Rieth (US-3614016).

Rieth discloses a stop pin 25 for releasable engagement with holes 12 to lock the spool. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of Lantsman with a stop pin and holes as taught by Rieth to lock the spool. Adhesive substrate such as adhesive tape are well known for holding an object stationary/in-place; therefore the use of an adhesive substrate over the stop pin to hold the pin stationary/in-place would have been obvious to a person having ordinary skill in the art. The method steps of claims 19 and 20 are deemed obvious to one of ordinary skill in the art in view of the combination above; the tensioning step would have been obvious to one of ordinary skill in the art to prevent tangling when assembling the cassette.

Art Unit: 3654

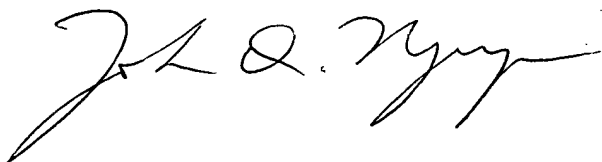
Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not show or render obvious an apparatus as recited in claim 11.

Claims 17 and 18 are allowed for the same reason as for claim 11.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "John Q. Nguyen", with a stylized, flowing script.

John Q. Nguyen
Primary Examiner
Art Unit 3654